IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SECOND DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 2593 of 2005

Between:

G. Venkataramapuram Grampanchayat rep. by its Sarpanch, V. Alli Sab, R/o G. Venkataramapuram, Obulavaripalle (M), Kadapa District.

..... PETITIONER

AND

1 The District Collector, Kadapa District at Kadapa.
2 The Mandal Revenue Officer, Obulavaripalle (M), Kadapa District.
3 The Divisional Engineer, RWS, Railway Koduru, Kadapa District.
4 Gabbiyeddulayyagari China Venkataiah, S/o Guruvaiah,
r/o G. Venkataramapuram (v), Obulavaripalle (M), Kadapa District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of Writ of mandamus declaring the action of the respondents in not protecting the lands of Ac. 4.96 cents in Sy.No. 10 Topu poramboke and Ac. 3.50 cents in Sy.No. 11 grazing poramboke vested in petitioner Gram Panchayat in spite of representation, dt. 29-11-2004 and contemplating to assign the same to 4th respondent and granting a public bore well therein is illegal, irregular and violative of provisions of Sec. 58 of A.P.Panchayatraj act and the rules framed there under and also offends Art. 14, 21 and 300 A of the Constitution of India and also contrary to AP Board of Revenue Standing Orders and consequently direct the respondents to see that the said properties are protected for petitioner Gram Panchayat and not to assign to anybody including the 4th respondent.

Counsel for the Petitioner:MR.SATYANARAYANA NIMMAGADDA

Counsel for the Respondent Nos.1 to 3: GP FOR PANCHAYAT RAJ & RURAL

DEV.

Counsel for the Respondent No.4: None appeared.

The Court at the admission stage made the following :

ORDER:

This writ petition is filed seeking a declaration that the action of the respondent in not protecting the land to an extent of Ac:4-96 cents in Sy.No.10 topu poramboke and Ac:3-50 cents in Sy.No.11 which is classified as grazing poramboke vested in petitioner Gram Panchayat and contemplating to assign the said land to the 4th respondent and permitting to dig a public bore well therein as arbitrary and illegal.

It is stated that the petitioner Gram Panchayat has already made a representation to the first respondent-District Collector, Kadapa District on 29-11-2004, but no action has been taken so far. Hence, the writ petition.

Having heard the learned counsel for the petitioner and also the learned Government Pleader for Panchayat Raj and Rural Development, without expressing any opinion as to the correctness of the allegations made, the writ petition is disposed of directing the first respondent to consider the representation made by the petitioner dated 29-11-2004 and take appropriate steps in accordance with law after conducting necessary enquiry into the allegations made by the petitioner as expeditiously as possible, preferably within a period of four weeks from the date of receipt of a copy of this order.

Accordingly, the Writ Petition is disposed of. No costs.

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02-03-2005

To

1 The District Collector, Kadapa District at Kadapa.
2 The Mandal Revenue Officer, Obulavaripalle (M), Kadapa District.
3 The Divisional Engineer, RWS, Railway Koduru, Kadapa District.
4 Two CCs to the Government Pleader for Panchayat Raj & Rural Development, High Court Building, Hyderabad. (OUT)

5. Two C.D. copies.

Note:

CC by one week.

(Bo)

sj